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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

CYNTHIA A. BROWNING,

Plaintiff,

vs.

WELLS FARGO BANK, N.A.; NDEX
WEST, LLC; and DOES I-XX, inclusive,

Defendants.

Case No. C10-05100 JCS

[Assigned to the Honorable Joseph C. Spero
Ctrm A]

**STIPULATION TO DISMISS ACTION WITH
PREJUDICE PURSUANT TO FRCP 41(a)(1)(ii)**

TO THE HONORABLE COURT:

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), plaintiff Cynthia A. Browning, a licensed attorney and NDeX West, LLC through its counsel of record stipulate to dismiss the above-captioned action with prejudice.

1 Dated: February __, 2011

LAW OFFICES OF CYNTHIA A. BROWNING

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3 By: s/Cynthia A. Browning
4 Cynthia A. Browning, Esq.
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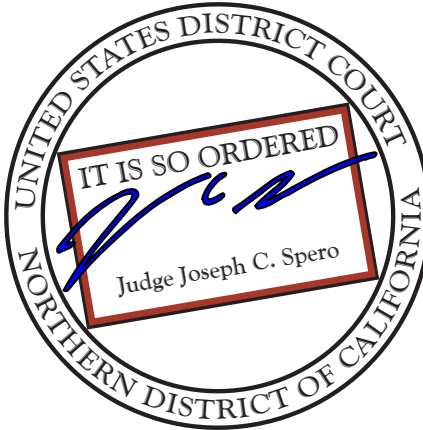
6 Dated: February __, 2011

BARRETT DAFFIN FRAPPIER

TREDER & WEISS, LLP

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8 By: s/Thomas K. Agawa
9 Edward A. Treder
10 Thomas K. Agawa
11 Attorneys for Defendant NDeX WEST,
12 LLC

13 Dated: Feb. 16, 2011



CERTIFICATE OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I, Thomas K. Agawa, hereby certify that on February 16, 2011, a true and correct copy of **DEFENDANTS NDeX WEST, LLC'S ANSWER TO PLAINTIFF'S COMPLAINT** was filed electronically and is available for viewing and downloading from the ECF system.

Unless otherwise noted herein, the following parties are deemed to have consented to electronic service of documents filed through the ECF system:

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ATTORNEY TO BE NOTICED

*** VIA U.S. MAIL – PREPAID FIRST CLASS**

I served the aforesaid listed part(ies) with the envelope for collection and mailing following ordinary practices. I am readily familiar with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. Under that practice it would be deposited with the United States Postal Service on that same day with postage fully prepaid at Diamond Bar, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in this declaration.

Executed on February 16, 2011, at Diamond Bar, California.

I declare under penalty of perjury under the laws of the United States of America that the above is true and correct.

s/Thomas K. Agawa
THOMAS K. AGAWA, ESQ.